

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYJUAN GRAY,

Plaintiff,

v.

RYAN SMITH, *et al.*,

Defendants.

Case No. 22-10270

Honorable Nancy G. Edmunds

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
FEBRUARY 28, 2023 REPORT AND RECOMMENDATION [36]**

This is a pro se prisoner civil rights lawsuit filed under 42 U.S.C. § 1983 by Plaintiff TyJuan Gray. (ECF No. 1.) The case has been referred to Magistrate Judge Curtis Ivy, Jr. for all pre-trial matters. (ECF No. 21.) Before the Court is the Magistrate Judge's report and recommendation to dismiss Defendant Joseph Mashni without prejudice for failure to effect timely service under Federal Rule of Civil Procedure 4(m). (ECF No. 36.) No party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *See Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at *2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Nonetheless, the Court has reviewed the matter and agrees with the Magistrate Judge. The Court, therefore, ACCEPTS AND ADOPTS the report and recommendation (ECF No. 36). Accordingly, Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE against Defendant Mashni.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 6, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 6, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager